

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

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CPI SECURITY SYSTEMS, INC.	)	
	)	
Plaintiff,	)	
	)	AUDIO TRANSCRIPT
v.	)	
	)	
VIVINT SMART HOME, INC.,	)	
f/k/a MOSAIC ACQUISITIONS CORP.;	)	
LEGACY VIVINT SMART HOME, INC.,	)	
f/k/a VIVINT SMART HOME, INC.,	)	
	)	
	)	
Defendants.	)	

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AUDIO RECORDING OF "ASHLEY"

1           ASHLEY: Hello.

2           UNIDENTIFIED SPEAKER: Hi, this is (unintelligible)  
3 with CPI Security.

4           ASHLEY: Hi, how are you?

5           UNIDENTIFIED SPEAKER: I'm doing good. Am I speaking  
6 with Miss Ashley?

7           ASHLEY: Yes, you are.

8           UNIDENTIFIED SPEAKER: How are you today?

9           ASHLEY: I'm doing well. How about yourself?

10          UNIDENTIFIED SPEAKER: I'm doing pretty good. I was  
11 reaching out to you with regards to your request for  
12 cancelation.

13          ASHLEY: Uh-huh.

14          UNIDENTIFIED SPEAKER: So I was wanting to help you out  
15 with that. What was the reason you were wanting to terminate  
16 services? It looks like it's currently already disconnected.

17          ASHLEY: Yes. We actually went with a different  
18 system, a different alarm system.

19          UNIDENTIFIED SPEAKER: You went with another provider?  
20 Do you mind me --

21          ASHLEY: Yes.

22          UNIDENTIFIED SPEAKER: -- asking who that may be?

23          ASHLEY: Vivint.

24          UNIDENTIFIED SPEAKER: Oh, Vivint. Okay. Uh-huh. And  
25 you've already had the system installed?

3

1           ASHLEY: Yes.

2           UNIDENTIFIED SPEAKER: Okay. I mean -- in regards to  
3 Vivint it's a pretty good company, but what was the reason you  
4 were wanting to cancel with us?

5           ASHLEY: Vivint just offered a little bit more than  
6 you guys did for us so it -- just having more security.

7           UNIDENTIFIED SPEAKER: Oh, okay. Okay. Did you add  
8 like cameras and things to your system?

9           ASHLEY: Correct.

10          UNIDENTIFIED SPEAKER: Okay. It looks like you  
11 invested a lot of money into this system with us as well, so I  
12 mean, as far as Vivint, I know they -- it's a pretty -- pretty  
13 good company but their equipment costs a lot. And usually  
14 they have it stretched out over a 60-month period. Is that  
15 the process that you went through?

16          ASHLEY: Yeah, basically it is.

17          UNIDENTIFIED SPEAKER: I was wanting to see if there's  
18 any way we can -- because we can offer you a -- we have some  
19 pretty good offers that we're doing right now for our  
20 customers. The best I've seen since I've been here. I've  
21 been here for about three years, so I would love to give you  
22 an offer if I can in regards to the time you still have  
23 remaining, plus with you still being in an agreement with us  
24 it's tortious interference for them to be able to install a  
25 system on top of another agreement so we'll be able to get you

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1 out of that agreement if we can. And we have some pretty good  
2 offers right now. I can kind of give you a quote into -- I'll  
3 tell you it would be probably be by far greater than what  
4 Vivint is currently offering right now for their system.

5 ASHLEY: Okay. I'm willing to listen. I don't  
6 know -- I would have to get with them to see if we can get out  
7 of what we already signed it them. I don't know if we can or  
8 not right now.

9 UNIDENTIFIED SPEAKER: Oh, no. You've got -- it's  
10 tortious interference, so no matter what type of agreement  
11 they have set up under, we'll be able to get you out just by  
12 say sending you that agreement, because being that you're  
13 already in an agreement with us, you would be able to get --  
14 able to get out of that.

15 ASHLEY: Okay. All right, sure. Let me hear what  
16 you guys have.

17 UNIDENTIFIED SPEAKER: So in regards to them upgrading  
18 your system, what did they add that was better than --

19 ASHLEY: They have the motion sensor on all of our  
20 windows in the back, a backyard camera. They updated our  
21 doorbell camera and front camera, and then just more so with  
22 the alarm system it calls out quicker just to the police and  
23 the fire department with their chips that they have.

24 UNIDENTIFIED SPEAKER: And they don't have the two-way  
25 response where they come over the speaker to verify there's an

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1 actual alarm to prevent false alarms?

2 ASHLEY: They do.

3 UNIDENTIFIED SPEAKER: They have that?

4 ASHLEY: Uh-huh. They do that as well, yep.

5 UNIDENTIFIED SPEAKER: Yeah. And is it the same as far  
6 as them being able to talk throughout the whole house?

7 ASHLEY: Correct.

8 UNIDENTIFIED SPEAKER: Because usually in regards to  
9 our test with them, you really have to be in the room in order  
10 to be able to hear that, so I know that's one feature by far  
11 that stands out in regards to us.

12 We also have video verification as well where we can  
13 look at the cameras any time something goes wrong, so a lot of  
14 time we'll be able to see what's happening which is better for  
15 the police department so they'll know exactly what they're  
16 looking for just in case someone was still there in the home.

17 ASHLEY: Okay.

18 UNIDENTIFIED SPEAKER: So I mean, in regards to that,  
19 we can get you set up. So it looks like you're wanting to get  
20 the motion detector?

21 ASHLEY: Uh-huh.

22 UNIDENTIFIED SPEAKER: And you're wanting to do the  
23 back camera?

24 ASHLEY: Yep.

25 UNIDENTIFIED SPEAKER: It looks like with us right now

6

1 you already have let me see the doorbell.

2 ASHLEY: The doorbell.

3 UNIDENTIFIED SPEAKER: That was the only camera that  
4 you had with us?

5 ASHLEY: Yep, uh-huh.

6 UNIDENTIFIED SPEAKER: Do you still have that -- the  
7 equipment that we have there?

8 ASHLEY: Yeah. I still have the equipment.

9 UNIDENTIFIED SPEAKER: All right. So all this other --  
10 other things we can put back up. You still have the light and  
11 the lock?

12 ASHLEY: Yes.

13 UNIDENTIFIED SPEAKER: And the thermostats? I just  
14 have to make sure.

15 ASHLEY: Yes.

16 UNIDENTIFIED SPEAKER: Okay. And then you have the  
17 sensor. So the motion detector that they was talking about,  
18 you said they had it pointing towards like your back windows?  
19 How does that work?

20 ASHLEY: Yeah. So the side back window, the main  
21 back window, and then our screen door and the kitchen window.

22 UNIDENTIFIED SPEAKER: So did they put like -- because  
23 we have a motion detector on the system already which usually  
24 you have window sensors and you have the door sensors which  
25 protect the exterior part of the time. Are those windows not

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1 protected in regards to sensors?

2 ASHLEY: No. They are. So we do have the front door  
3 but now this is more so where the way it is that the range,  
4 like a full range of like a garage door opening sensor, so if  
5 anyone comes in that way windows and everything so it's  
6 protecting the whole back of our house.

7 UNIDENTIFIED SPEAKER: Okay. So I'll put the motion  
8 detector for the back of the home. And then the back  
9 camera --

10 ASHLEY: Uh-huh.

11 UNIDENTIFIED SPEAKER: With our back camera, we have a  
12 new motion detection. It's something that's a little bit  
13 different than a motion detection on a doorbell camera, but  
14 have you select like a certain perimeter or the like a virtual  
15 line where if they go past that line or they step into that  
16 area, it's going to start recording for you right away. And  
17 just like a doorbell, it will send a notification right to  
18 your phone but with this one, you'll get a picture of who  
19 actually -- was out there.

20 ASHLEY: Uh-huh.

21 UNIDENTIFIED SPEAKER: And then, like, you'll be able  
22 to look at the video right from your phone as well. So along  
23 with that feature currently you're looking at, let me see, 129  
24 plus the 299 which is the equipment cost for it is 428.

25 ASHLEY: Uh-huh.

8

1 UNIDENTIFIED SPEAKER: We'll have to -- I think you  
2 stated that you had an interior camera as well, was that  
3 right?

4 ASHLEY: Say that again. I'm sorry. I didn't hear  
5 that part.

6 UNIDENTIFIED SPEAKER: Did you get an interior camera  
7 with this?

8 ASHLEY: No. I got another outdoor of like the  
9 garage but we have the doorbell camera and then like the  
10 garage area, we have that camera.

11 UNIDENTIFIED SPEAKER: Okay. And you have one for the  
12 back, right?

13 ASHLEY: Correct.

14 UNIDENTIFIED SPEAKER: Okay. Got it. So right now  
15 currently we're looking at 727 with what you're -- what you're  
16 wanting to add. You have about 33 months remaining if we were  
17 to keep your payments going on the 33-month.

18 ASHLEY: Uh-huh.

19 UNIDENTIFIED SPEAKER: So that's \$22.03 -- sorry --  
20 yeah, yeah, yeah. Yeah, 23 -- \$22.03 in regards to your  
21 monthly payment. And then you currently have a payment with  
22 us already for \$12.10. So you're looking at \$34.13 if you  
23 were to stay here with us in regards to your equipment.

24 As far as your monitoring, usually you have to be at  
25 50 -- 54.99 without adding any cameras because the rate goes

9



1 up, but what I'm willing do for you to keep your business here  
2 with us is I can provide that to you at 49.99 a month.

3 ASHLEY: So the total bill would be what, 80  
4 something?

5 UNIDENTIFIED SPEAKER: Correct. I'm getting that for  
6 you now. 39.99 -- so you're looking at \$74 -- oh, I'm sorry  
7 34.13 plus 49.99 -- \$84.12.

8 ASHLEY: I'm just letting my fiancée' know what's  
9 happening.

10 UNIDENTIFIED SPEAKER: So 727. (unintelligible).

11 ASHLEY: So how would you be able to -- because I  
12 think what's happening if we were to leave, you know, Vivint,  
13 I think we can get out of the contract but I'm not sure how to  
14 get out of everything altogether but where we were owe them  
15 still, so how does that work?

16 UNIDENTIFIED SPEAKER: So in regards to tortious  
17 interference, we just have to show the agreement so I'm going  
18 to go ahead and -- let me get this email sent while we're on  
19 the phone here really quick.

20 ASHLEY: Okay.

21 UNIDENTIFIED SPEAKER: Hold on one moment. So once I  
22 send you the agreement, it will show the agreement that you  
23 still have time remaining with us so you have about 33 months,  
24 and if you were to do the payments your maturity date would be  
25 April the 2nd of 2023.

1           ASHLEY: Uh-huh.

2           UNIDENTIFIED SPEAKER: So basically that will still  
3 show that you're in agreement with us and that you haven't  
4 canceled out, that your account is still active so they will  
5 have to let you out of that agreement. We have plenty of  
6 cases in regards to this, so it is called tortious  
7 interference. So it will be an email that I'm about to send  
8 you.

9           ASHLEY: Okay.

10          UNIDENTIFIED SPEAKER: All right. Let me take a look  
11 here, see, verify your email.

12          ASHLEY: Uh-huh.

13          UNIDENTIFIED SPEAKER: Is it  
14 douglasricardo.11@gmail.com?

15          ASHLEY: Yes. And can you also add another email as  
16 well?

17          UNIDENTIFIED SPEAKER: I can.

18          ASHLEY: Let me know whenever you're ready.

19          UNIDENTIFIED SPEAKER: Oh, I think I have it here. It  
20 says primary email, agoodman322@gmail.com?

21          ASHLEY: That is correct. If you send that to both  
22 of them, please.

23          UNIDENTIFIED SPEAKER: All right. Let me put that on  
24 for you. So it will have the agreement attached to it and  
25 then it will have my contact information so you'll be able to

1 reach me directly as well.

2 ASHLEY: Okay. Perfect.

3 UNIDENTIFIED SPEAKER: In regards to getting you set  
4 up, let me take a look at our schedule and see what we have.  
5 We may have request something early for you where we can get  
6 someone out to install it, but I know our upgrade appointments  
7 they're pretty much booked right now.

8 ASHLEY: Yeah, that's no problem -- I just -- I  
9 definitely want to discuss it with my finance' just let him  
10 share, you know, what guys are saying and stuff like that, and  
11 then kind of an understanding how we can basically not be  
12 paying for equipment for both companies. That's just a long  
13 one. We just don't want to have extra equipment just to have  
14 it.

15 UNIDENTIFIED SPEAKER: Okay. Certainly. So in regards  
16 to that, I'll just keep it like as like TBA right now.

17 ASHLEY: Okay.

18 UNIDENTIFIED SPEAKER: And when will be a good time for  
19 me to reach out to you?

20 ASHLEY: Honestly if you give me -- let me see,  
21 because I want to make sure that he can be home. Can you call  
22 back this evening by any chance?

23 UNIDENTIFIED SPEAKER: I leave at six so I mean it's  
24 like 5:35, 6:00 o'clock.

25 ASHLEY: Yeah. I was going to say -- yeah, I was

1 going to say 4:00, 4:30, 5:00.

2 UNIDENTIFIED SPEAKER: Oh, yeah.

3 ASHLEY: I think actually 5 o'clock would be great.

4 UNIDENTIFIED SPEAKER: Okay. Perfect. I'll reach out  
5 to you at 5:00 then.

6 ASHLEY: Okay. Yeah. Just so he can hear and ask  
7 any questions if he has anything and then we can kind of make  
8 a decision and then we'll let you know probably by tomorrow.

9 UNIDENTIFIED SPEAKER: All right. That works.

10 ASHLEY: Okay.

11 UNIDENTIFIED SPEAKER: I'm getting this email sent out  
12 to you now and I hope you enjoy the rest of your day.

13 ASHLEY: Perfect. Okay. Thank you so much I  
14 appreciate you giving me a call.

15 UNIDENTIFIED SPEAKER: Thank you. Bye-bye.

16 ASHLEY: Bye.

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CERTIFICATE

STATE OF UTAH                 )  
  ) ss.  
COUNTY OF WEBER         )

I, Tracy A. Fresh, do hereby certify that the foregoing pages 2 through 12 constitute a true and accurate transcript of the audio proceedings to the best of my knowledge and ability as a Certified Court Reporter in and for the State of Utah.

Dated this 21st day of October, 2021.



Tracy A. Fresh, RPR, CCR